

**State of California**  
**California Regional Water Quality Control Board, Los Angeles Region**

**RESOLUTION NO. 2003-XXX**

**January 29, 2003**

**Amendment to the *Water Quality Control Plan for the Los Angeles Region* to Implement the Early Life Stage Provision of the Freshwater Ammonia Objectives for Inland Surface Waters (including enclosed bays, estuaries and wetlands) for protection of “Aquatic Life”**

**WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:**

1. The federal Clean Water Act (CWA) requires the State to develop water quality standards that consist of criteria sufficient to protect designated uses for each water body found within the State as well as comply with federal anti-degradation requirements in order to protect high quality waters. In California, the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) establishes the water quality standards process. The Porter-Cologne Act requires the Regional Water Quality Control Board, Los Angeles Region (Regional Board) to establish water quality objectives to protect beneficial uses within the Los Angeles Region. State water quality objectives and beneficial uses serve as federal criteria and designated uses. State water quality objectives and beneficial uses along with the State’s anti-degradation policy (State Water Resources Control Board Resolution No. 68-16) represent water quality standards.
2. The amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) was developed in accordance with sections 13240, 13241 and 13242 of the Porter-Cologne Water Quality Control Act (California Water Code, Division 7, Chapter 4, Article 3).
3. The amendment will revise Chapter 3 “Water Quality Objectives” of the Basin Plan and, specifically, update the implementation language included as part of the freshwater ammonia objectives relative to the protection of Early Life Stages (ELS) of fish in inland surface waters.
4. The current Basin Plan contains ammonia objectives to protect ELS of fish in inland surface waters supporting aquatic life. The current ammonia objectives were incorporated into the Basin Plan as part of a Basin Plan amendment adopted by the Regional Board on April 25, 2002. Existing ammonia objectives are based on U.S. EPA guidance entitled, “1999 Update of Ambient Water Quality Criteria for Ammonia.”
5. This amendment is submitted as a result of the Regional Board’s direction to staff during the April 25, 2002 board meeting adopting the existing ammonia objectives for staff to evaluate the adequacy of the SPWN (Spawning, Reproduction, and/or Early Development) beneficial use designation as a proxy for the presence of ELS and, concurrently, to conduct an evaluation of soft-bottom aquatic habitats to assess the suitability of such habitat for ELS of fish.
6. The current amendment revises the ELS implementation provision included in the freshwater ammonia objectives that became effective in summer 2003, following approval of the earlier

ammonia Basin Plan amendment by the Office of Administrative Law (OAL).. Specifically the current amendment revises the implementation provision that states, “waterbodies with a Basin Plan designation of “SPWN” support high quality aquatic habitats suitable for reproduction and early development of fish and, therefore, these waterbodies are designated as Early Life Stage (ELS) present waters.”

7. At the direction of the Regional Board, Regional Board staff convened a Technical Advisory Committee (TAC), made up of experts in the field of fish biology and local fish populations. The purpose of the TAC was to discuss the most appropriate way to implement the ELS provision of the recently adopted freshwater ammonia objectives.
8. After considering several alternatives, and in consultation with U.S. EPA, Regional Board staff selected the following alternative. The basis for the selected alternative is described more fully in the staff report supporting this resolution. Regional Board Staff identified water bodies to which there are discharges from Publicly Owned Treatment Works (POTWs). The focus on these selected waterbodies was deliberate due to a timeliness issue. Currently, POTWs are developing the means to meet water quality objectives for ammonia making it important for the Regional Board to set these objectives as precisely as possible. For those water bodies to which POTWs do not discharge, based on existing regulatory frameworks and information ELS fish are assumed present at all times.
9. Looking at water bodies that receive POTW discharges, staff determined the winter spawning species present at any time since November 1975. Staff then looked at the spawning periods for those species. Considering the species most likely present in the Los Angeles region’s inland surface waters, there are two broad categories into which the water bodies can be classified based on the spawning season. If winter spawning fish are present in a particular water body, the water body shall be considered ELS present year-round. If no winter spawning fish are present in a particular water body, the ELS absent provision shall be applied during the period from December to February. To implement the ELS provision of the freshwater ammonia objectives, two broad classes of water bodies are identified:

<b>Water Body Class</b>	<b>Early Life Stage (ELS) Present Period</b>
Class I	Year-round
Class II	March 1 through November 30

10. Re-assignment of waterbodies to either Class I or II may be allowed provided that a water body specific assessment is conducted to justify re-assignment. Re-assignment of water bodies must be approved through the Basin Plan Amendment process.
11. A complete list of waterbodies in each of the two classes can be found in Attachment A to this resolution, Table 3-X.
12. Where there is an effort to re-assign a water body to Class I or II due to the presence or absence of a threatened or endangered species, site-specific information on the species must be presented.
13. The Regional Board has considered the costs of implementing the amendment, and other factors, as required by the California Water Code, section 13241. Water Code section 13241 only requires consideration of the enumerated factors when a water quality objective is being revised or amended. Here, the Basin Plan amendment only revises the implementation of the

existing ammonia objectives, therefore, the Regional Board's analysis is somewhat limited. Moreover, the analysis is limited solely to the changes resulting from this amendment. Based on the limited nature of the revisions, the Basin Plan amendment will protect past, present, and probable future beneficial uses; accounts for the existing quality of the water bodies; and accounts for conditions that could reasonably be achieved by coordinating with the discharges from POTWs. The decrease in the ammonia objective if a water body is treated as ELS present is not great enough to require additional treatment (beyond minor adjustments to treatment plant operations) if POTWs have in place nitrification and denitrification (N/DN). The need for N/DN was prompted by the requirements of the 1994 Basin Plan ammonia objectives. In addition, if approved through the Basin Plan amendment process, WERs being developed for these waters would establish less stringent site-specific objectives (SSOs) providing a cushion from these marginally more stringent objectives. Therefore the economic cost of this amendment should not be significant.

14. The amendment results in no or *de minimis* potential for adverse effect, either individually or cumulatively, on wildlife.
15. The regulatory action proposed meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
16. The amendment is consistent with the State Antidegradation Policy (State Water Resources Control Board (SWRCB) Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy (40 CFR 131.12).
17. The basin planning process has been certified as 'functionally equivalent' to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.). In performing the Regional Board's functionally equivalent environmental review, the "project" for purposes of the environmental document was solely the changes to the ELS implementation provision of the existing ammonia water quality objectives.
18. A CEQA Scoping meeting on this basin plan amendment was noticed on October 20, 2003 and held on November 3, 2003. The purpose of the meeting was to inform interested persons of proposed amendment and to solicit input on the appropriate scope and content of the Basin Plan amendment and its environmental documentation.
19. Regional Board staff prepared a staff report dated December 8, 2003, describing the proposed amendment, and sent the staff report to all known interested persons to allow a 45-day public comment period in advance of the public hearing.
20. The Regional Board held a public hearing on January 29, 2004, for the purpose of receiving testimony on the proposed Basin Plan amendment. Notice of the public hearing was sent to all known interested persons and published in accordance with California Water Code, section 13244.
21. The Basin Plan amendment must be submitted for review and approval by the State Water Resources Control Board (State Board), Office of Administrative Law (OAL), and U.S. EPA. Once approved by the State Board, the amendment is submitted to OAL and U.S. EPA. The

Basin Plan amendment will become effective for state law purposes upon approval by OAL. For purposes of federal law, the Basin Plan amendment will be effective upon approval by both OAL and U.S. EPA. A Notice of Decision will be filed.

**THEREFORE, be it resolved that**

1. Pursuant to sections 13240, 13241, and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to the Water Quality Control Plan for the Los Angeles Region, to revise the Early Life Stage implementation provision of the freshwater ammonia objectives as set forth in Attachment A.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the U.S. EPA.
4. If during its approval process Regional Board staff, the State Board or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.
5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on January 29, 2004.

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Dennis A. Dickerson  
Executive Officer

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Date